

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RACHAEL MARIE WHITTED,
4 aka Ralph Whitted (#1212277),

Plaintiff

5 v.

6 LAURA,
7

8 Defendant

Case No. 3:21-cv-00216-LRH-WGC

ORDER

9 **I. DISCUSSION**

10 On May 11, 2021, Plaintiff, an inmate in the custody of the Nevada Department of
11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF
12 No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an
13 application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
19 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
20 page 3),

21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court's approved form), and

23 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
24 **previous six-month period**.

25 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete
26 application to proceed *in forma pauperis* containing all three of the required documents,
27 or in the alternative, pay the full \$402 filing fee for this action on or before **July 12, 2021**.
28 Absent unusual circumstances, the Court will not grant any further extensions of time.

1 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
2 with all three required documents or pay the full \$402 filing fee on or before **July 12, 2021**,
3 this case will be subject to dismissal without prejudice for Plaintiff to file a new case with
4 the Court when Plaintiff is either able to acquire all three of the documents needed to file
5 a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

6 A dismissal without prejudice means Plaintiff does not give up the right to refile the
7 case with the Court, under a new case number, when Plaintiff has all three documents
8 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
9 may choose not to file an application to proceed *in forma pauperis* and instead pay the
10 full filing fee of \$402 on or before **July 12, 2021** to proceed with this case.

11 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
12 will not file the complaint unless and until Plaintiff timely files a fully complete application
13 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
16 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
17 as the document entitled information and instructions for filing an *in forma pauperis*
18 application.

19 IT IS FURTHER ORDERED that on or before **July 12, 2021**, Plaintiff will either
20 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
23 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
24 signatures on page 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
26 official (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
28 **previous six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
2 application to proceed *in forma pauperis* with all three documents or pay the full \$402
3 filing fee for a civil action on or before **July 12, 2021**, this case will be subject to dismissal
4 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
5 when Plaintiff has all three documents needed to file a complete application to proceed
6 *in forma pauperis* or pays the full \$402 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
8 (ECF No.1-1) but will not file it at this time.

9 DATED: May 12, 2021

10 William G. Cobb

11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28